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09/745,481	12/26/2000	Ryosuke Iguchi	35.C15015	1841

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,481

Applicant(s)

IGUCHI ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15, 18 and 21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 10, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito.

With respect to claim 1, Ito teaches an image processing method which uses correction components regarding brightness on the basis of a histogram and corrects the image according to the correction conditions comprising the method steps of: Calculating a ratio  $\{r(x,y)\}$  by means of the equation at col. 5, lines 55-60 where the components in the ratio include a predetermined range in the histogram (first range 128-255 or second range 0-127) see col. 6, lines 10-26; and setting the correction conditions on the basis of the calculated ratio (i.e., a sharpness correction value, see col. 9, lines 5-10).

With respect to claim 2, Ito teaches the setting step setting the correction conditions of the image of which the components are within a predetermined range (0-255) among the set correction conditions when the ratio exceeds a predetermined value of 2 and sets the correction condition so that a correction can be formed. See col. 5, lines 55-60.

With respect to claim 10, Ito teaches image processing method which uses correction components regarding brightness on the basis of a histogram and corrects the image according to the correction conditions comprising the method steps of: setting a first correction condition for the input image in accordance with a ratio  $f(x,y)$  brightness values 0-127 of a first shadow area (background area turned darker according to col. 5, lines 9-17) and adjusting a correction condition  $u^+$ ,  $u^-$  for a shadow area of the first correction condition in accordance with a ratio of a second shadow area  $g(x,y)$  of which range is different from that of the first shadow area, in the input image. See col. 6, lines 41-45.

With respect to claim 16, Ito teaches a CPU 505 for calculating a ratio  $\{r(x,y)\}$  by means of the equation at col. 5, lines 55-60 where the components in the ratio include a predetermined range in the histogram (first range 128-255 or second range 0-127) see col. 6, lines 10-26; and setting the correction conditions on the basis of the calculated ratio (i.e., a sharpness correction value, see col. 9, lines 5-10) also performed by the CPU 505.

With respect to claim 17, Ito teaches an image processing apparatus, shown by figure 1 which sets a condition in accordance with a ratio of a shadow area comprising: setting means via cpu 505 for setting a first correction condition for the input image in accordance with a ratio  $f(x,y)$  brightness values 0-127 of a first shadow area (background area turned darker according to col. 5, lines 9-17) and cpu 505 for adjusting a correction condition  $u^+$ ,  $u^-$  for a shadow area of the first correction condition in accordance with a ratio of a second shadow area  $g(x,y)$  of which range is different from that of the first shadow area, in the input image. See col. 6, lines 41-45.

With respect to claim 19, Ito teaches a storage medium 506, shown by figure 1, for storing a computer readable program which sets correction conditions for correcting components regarding brightness of image data on the basis of a histogram and corrects the image according to the correction conditions comprising the method steps of: calculating a ratio  $\{r(x,y)\}$  by means of the equation at col. 5, lines 55-60 where the components in the ratio include a predetermined range in the histogram (first range 128-255 or second range 0-127) see col. 6, lines 10-26; and setting the correction conditions on the basis of the calculated ratio (i.e., a sharpness correction value, see col. 9, lines 5-10).

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With respect to claim 20, Ito teaches a storage medium 506, as shown by figure 1, which stores a computer readable program which sets a correction condition for an input image in accordance with a ration of a shadow area including the steps of: setting a first correction condition for the input image in accordance with a ratio  $f(x,y)$  brightness values 0-127 of a first shadow area (background area turned darker according to col. 5, lines 9-17) and adjusting a correction condition  $u^+$ ,  $u^-$  for a shadow area of the first correction condition in accordance with a ratio of a second shadow area  $g(x,y)$  of which range is different from that of the first shadow area, in the input image. See col. 6, lines 41-45.

2.

### **Allowed Claims**

Claims 11-15 are allowed for the reason the prior art does not teach or suggest in claimed combination, "calculating a component value in the histogram wherein a cumulative frequency accumulated from the maximum value or the minimum value indicates a predetermined value within a range of the component value... calculating a cumulative frequency accumulated from the maximum value or the minimum value to a predetermined component value in the histogram."

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Claim 18 is allowed for the reason the prior art does not teach or suggest in claimed combination, calculation means for calculating a component value in the histogram wherein a cumulative frequency accumulated from the maximum value or the minimum value indicates a predetermined value within a range of the component value; a calculation means for calculating a cumulative frequency accumulated from the maximum value or the minimum value to a predetermined component value in the histogram.”

Claim 21 is allowed for the reason the prior art does not teach or suggest in claimed combination, “... calculating a component value I the histogram wherein a cumulative frequency accumulated from the maximum value or the minimum value indicates a predetermined value within a range of the component value... calculating a cumulative frequency accumulated from the maximum value or the minimum value to a predetermined component value in the histogram...”

3.

### **Claims Objected**

Claims 3- 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT II  
PRIMARY EXAMINER